

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division

DAVID E. DAVIS,

Plaintiff,

v.

Civil Action No. 3:21cv391

JAMES C. WILLETT, *et al.*,

Defendants.

**MEMORANDUM OPINION**

By Memorandum Order entered on November 18, 2021, the Court conditionally docketed Davis's action. (ECF No. 5.) At that time, the Court directed Davis to affirm his intention to pay the full filing fee by signing and returning a consent to the collection of fees form. (*Id.* 2.) The Court warned Davis that a failure to comply with the above directive within thirty (30) days of the date of entry thereof would result in summary dismissal of the action. (*Id.* 1.)

Davis has not complied with the Court's order to return a consent to collection of fees form. As a result, he does not qualify for *in forma pauperis* status. Furthermore, he has not paid the statutory filing fee for the instant action. *See* 28 U.S.C. § 1914(a). Davis's conduct demonstrates a willful failure to prosecute. *See* Fed. R. Civ. P. 41(b).<sup>1</sup> Accordingly, this action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Order shall accompany this Memorandum Opinion.

Date: 1-13-2022  
Richmond, Virginia

M. Hannah Luick  
M. Hannah Luick  
United States District Judge

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<sup>1</sup> This Rule allows for dismissal of an action “[i]f the plaintiff fails to prosecute or to comply with [the Federal Rules of Civil procedure] or a court order.” Fed. R. Civ. P. 41(b).